

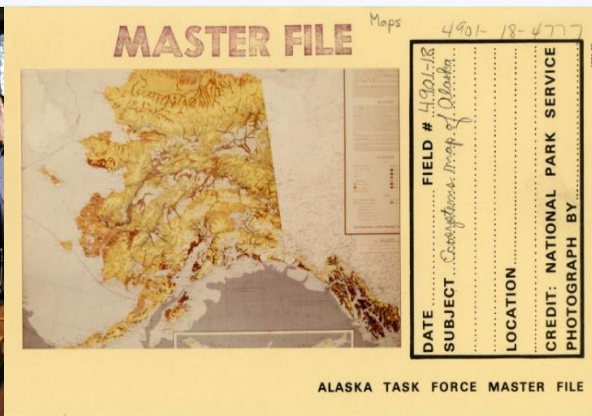


NATIONAL
ARCHIVES

THE
Jimmy Carter
PRESIDENTIAL LIBRARY AND MUSEUM

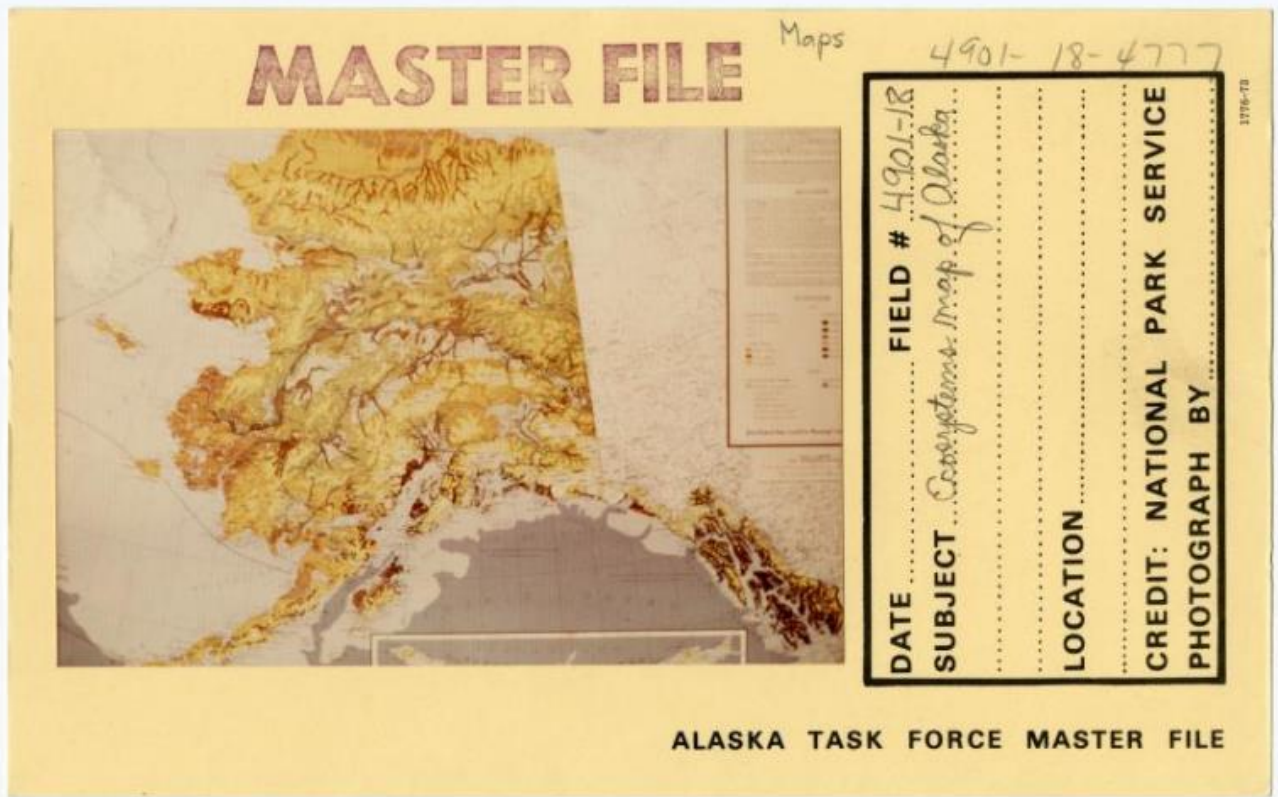
CONSERVATION AND CONTROVERSY IN ALASKA

Jimmy Carter, ANILCA and The Antiquities Act



Presented by Joshua Montanari, Education Specialist

Program Overview



- Alaska Statehood
- Antiquities Act of 1906
- Alaska National Interest Lands Conservation Act (ANILCA)
- Constitutional Checks and Balances

Left: Proposals authorized by the Alaska Native Claims Settlement Act (National Archives Identifier: [42203688](#))

Rooted in Conservation

- Land ethic gained during childhood, farming in Depression-era
- Faith-inspired environmentalism

Right: Young Jimmy Carter and pony on family farm in Archer, GA (Carter Library)

Far Right: Left to Right: Ruth Carter, Lillian Carter, Jimmy Carter (Carter Library)



Protecting Georgia's Natural Resources



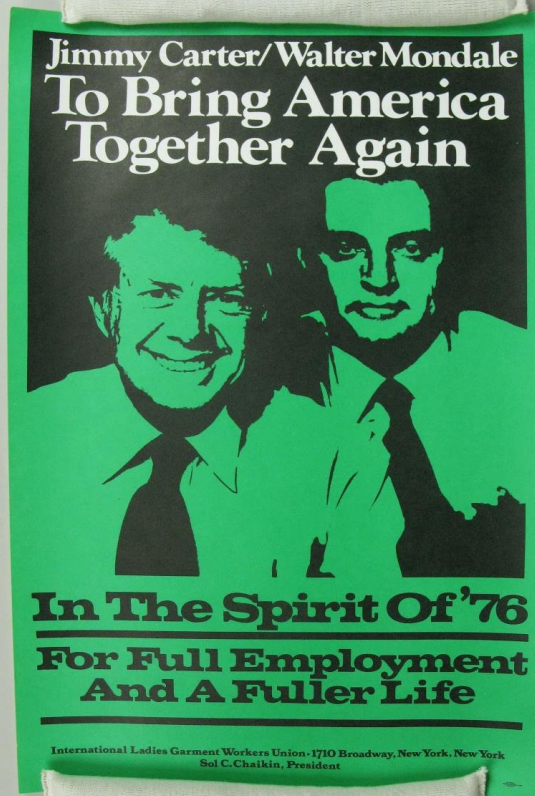
- Establishes Georgia Heritage Trust
- Vetoed more than 600 applications to drain swamplands, protecting vital wetland ecosystems

Left: Jimmy Carter pictured in his office while serving as Governor of Georgia (Carter Library)

Environmental Momentum in 1976

- [Creation of Environmental Protection Agency \(EPA\) in 1970](#)
- Notable environmental legislation:
 - [Clean Air Act \(1970\)](#)
 - [Clean Water Act \(1972\)](#)
 - [Endangered Species Act \(1973\)](#)
 - [Federal regulation of pesticides and insecticides](#)

Right: Carter-Mondale 1976 Presidential Campaign Poster (Carter Library)



A President's Environmental Message



- Pollution and Health
- Energy and Environment
- Urban Environment
- **Natural Resources**
- **National Heritage**
- Global Environment
- Improving Government

Left: Jimmy Carter giving the Energy Address
(National Archives Identifier: [6783239](#))

A New Star, Promises Made

1959: [Alaskan Statehood proclaimed by President Eisenhower](#)

- Includes mandate for 104 million acres to be transferred to state control

1971: [Alaska Native Claims Settlement Act approved](#)

- Provided 44 million acres of land and \$962.5 million to Alaska Native Regional/Village Corporations
- Authorized Secretary of Interior to withdraw 80 million acres for conservation purposes
- **Deadline to implement: 12/18/1978**

Right: President Eisenhower celebrates after signing the official proclamation admitting Alaska at the 49th State, 1/3/1959 ([Eisenhower Library](#))





Alaska Demands Action, Carter Seeks Advice

1 AVRUM A. CROSS
2 ATTORNEY GENERAL
3 THOMAS E. MACHON
4 Assistant Attorney General
5 420 L Street, Suite 100
6 Anchorage, Alaska 99501
7 (907) 276-3550
8 Attorneys for Plaintiff
9 STATE OF ALASKA
10
11
12
13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF ALASKA
16 AT ANCHORAGE
17
18 STATE OF ALASKA,
19 Plaintiff,
20 vs.
21 JAMES EARL CARTER, President
22 of the United States, in his
23 individual capacity,
24 CECIL D. ANDRUS, Secretary
25 of the Interior, in his
26 individual capacity,
27 UNITED STATES DEPARTMENT OF
28 THE INTERIOR,
29 Defendants.
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

STATE OF ALASKA,
Plaintiff,
vs.
JAMES EARL CARTER, President
of the United States, in his
individual capacity,
CECIL D. ANDRUS, Secretary
of the Interior, in his
individual capacity,
UNITED STATES DEPARTMENT OF
THE INTERIOR,
Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I.
NATURE OF ACTION

1. This is an action for declaratory and injunctive relief pursuant to 28 United States Code Section 2201 and 28 United States Code Section 1331, against the named individual defendants and the agents of the named agency.

II.
JURISDICTION

2. This Court has jurisdiction to hear and decide the issues raised in this action by virtue of 28 United States Code Section 1331. The amount in controversy in this action exceeds in value the amount of \$10,000, exclusive of interest and costs.

THE WHITE HOUSE
WASHINGTON
November 16, 1978

To Secretary Andrus

As you know, the 95th Congress adjourned without passing the Alaska National Interest Lands legislation. Protection for these lands is the highest environmental priority of my Administration.

Since Congress' failure to act means that the so-called "d-2" withdrawals will expire next month, I am requesting your opinion on what, if any, action the Administration can and should take to protect Alaska lands until legislative proposals are enacted. I particularly seek your advice on the suitability of the lands for designation as national monuments under the Antiquities Act of 1906.

In order that I may decide on the appropriate course of action before the statutory deadline, please provide me with your recommendations in writing by November 27, 1978.

Sincerely,

Jimmy Carter

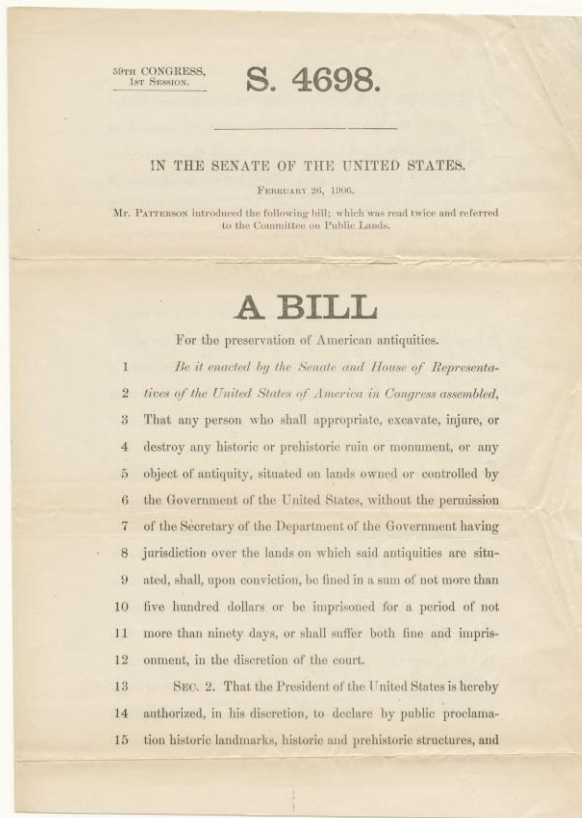
The Honorable Cecil Andrus
Secretary of the Interior
Washington, D.C. 20240

- State of Alaska seeks legal action after Congress misses deadline to act
- "...he may require the Opinion, in writing, of the Principal Officer in each of the executive departments..." ([Article II, Section 2](#))

Far Left: Alaska Land Case Complaint (National Archives Identifier: [140575](#))

Left: Letter from Jimmy Carter to Cecil Andrus seeking counsel on use of Antiquities Act of 1906 to protect public lands in Alaska (National Archives Identifier: [140574](#))

The Antiquities Act of 1906



*“The President of the United States is hereby authorized, in his discretion, to declare by public proclamation **historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest** that are situated upon the lands owned or controlled by the Government of the United States to be national monuments...”*

Far Left: President Theodore Roosevelt (National Archives Identifier: [166698144](#)) **Left:** S. 4698, A Bill for the Preservation of American Antiquities (National Archives Identifier: [28264995](#))

Executive Power Checked: The Case of Wyoming

1950: Compromise to establish Grand Teton National Park

“...no further extension or establishment of national parks or monuments in Wyoming may be undertaken except by express authorization of the Congress.”

*Note the revision to the Antiquities Act by U.S. House of Representatives

Right: “The Tetons – Snake River”, Grand Teton National Park, Wyoming, by Ansel Adams (National Archives Identifier: [519904](#))





A President Gets Their Answer

THE WHITE HOUSE
WASHINGTON
November 28, 1978

MEMORANDUM FOR

ELIOT CUTLER
BOB THOMSON
MARGARET MCKENNA ✓
PHIL SPECTOR
LARRY GILSON

FROM

KATHY FLETCHER *KF*

SUBJECT:

Alaska Lands Memo

Attached for your review is a rough draft of a decision memo, following this morning's briefing. You will note that options are not presented, in that there appears to be an emerging consensus. However, I'm willing to add any variation about which you feel strongly. I need two things (ASAP): comments and (if possible) the vote of your office or principal. If the final memo can reflect positions, the senior staffing process will be vastly expedited.

Thanks.

Attachment

*11/28/78
6:00 P.M. - AJ told Kathy
that I concurs she will
so reflect in memo to the
President.*
JO

DRAFT

THE WHITE HOUSE
WASHINGTON

DRAFT

MEMORANDUM FOR

THE PRESIDENT

FROM

STU EISENSTAT
CECIL ANDRUS
BOB BERGLAND

SUBJECT:

Alaska Lands

Secretaries Andrus and Bergland have completed the work you requested concerning administrative actions to protect Alaska lands until Congress enacts legislation. Each Secretary has already taken actions under the Federal Land Policy and Management Act (FLPMA) to withdraw temporarily all of the areas of concern from mineral entry and from selection of lands by the State (although the protection against State selections is uncertain under this statute). In addition, they propose that you take actions under the Antiquities Act to create National Monuments to provide strong and certain protection to the most critical areas.

Following are the recommendations:

1. Interior Department lands (proposed National Parks and National Wildlife Refuges):

- **11/28/1978:** President Carter is advised by Interior, and Agriculture Secretaries to take action under the Antiquities Act
- “...to provide strong and certain protection to the most critical areas.”

Left: Excerpt from Alaska Lands Memo, 11/28/1978 (National Archives Identifier: [140572](#))

Carter Acts...Alaska Reacts



- **12/01/1978:** President Carter invokes Antiquities Act to preserve 55 million acres of Alaskan lands
- Secretary of Interior Andrus withdraws additional 40 million acres for 20-year period
- Unrest and acts of civil disobedience break out in Alaska at sites of proposed public land designations

Left: President Carter burned in effigy following use of Antiquities Act in Alaska (University of Alaska Fairbanks Archive)

Not-So-Lame Duck



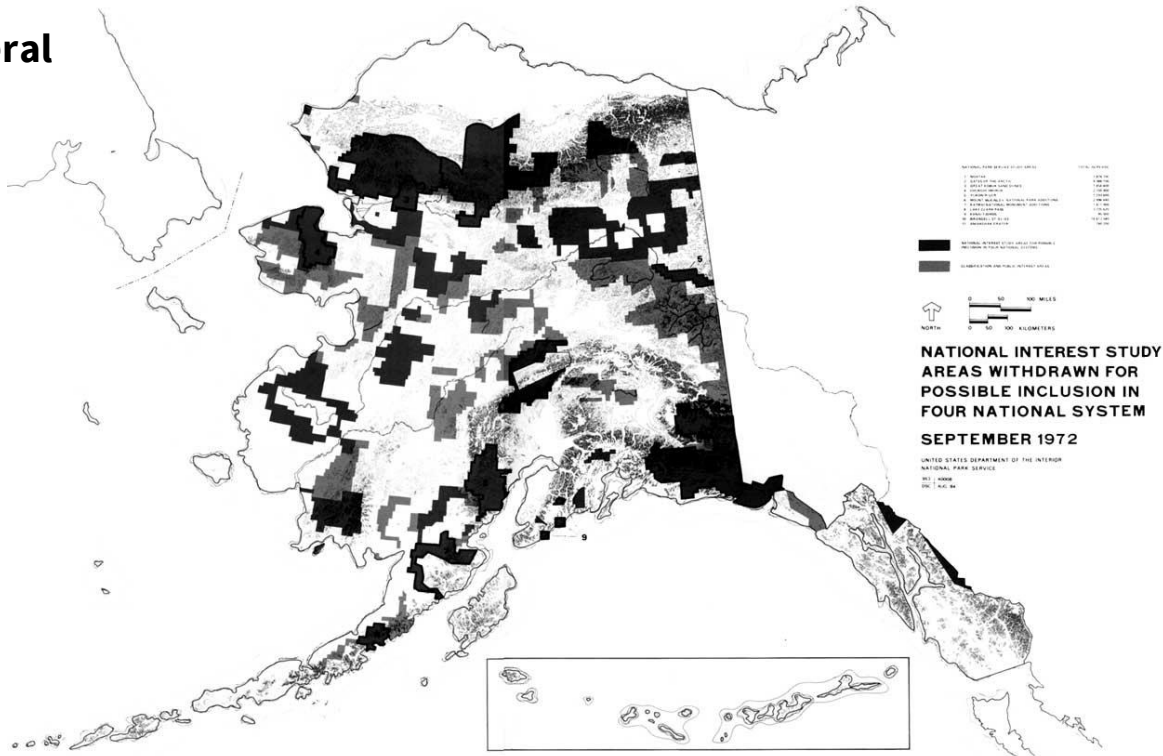
- **12/02/1980:** Despite losing 1980 election, Carter successfully presses Congress to pass Alaska National Interest Lands Conservation Act ([full transcript](#))
- Federal public land designations in Alaska greater than 5,000 acres require Congressional approval going forward

Left: President Jimmy Carter signing ANILCA, 12/2/1980 (National Archives Identifier: [166691808](#))

Clear Direction, Promises Fulfilled

Comprehensive guidance for all Federal public lands in Alaska including:

- Wilderness
- Subsistence
- Transportation and Utility Corridors
- Oil and Gas Leasing
- Mining
- Public Access
- Hunting, trapping and fishing



Right: Map of National Interest Study Areas Withdrawn for Possible Inclusion in Four National System, September 1972 ([National Park Service](#))



Public Lands Created/Altered by ANILCA

CLICK HYPERLINKS TO LEARN MORE

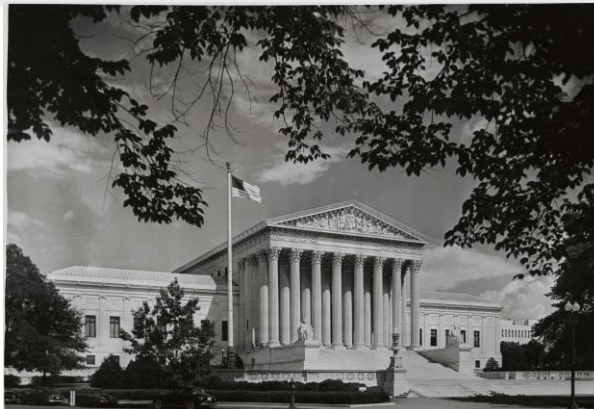
<u>Arctic National Wildlife Refuge</u>	<u>Katmai National Park and Preserve</u>	<u>Tongass National Forest</u>
<u>Admiralty Island National Monument</u>	<u>Kenai Fjords National Park</u>	<u>White Mountains National Recreation Area</u>
<u>Aniakchak National Monument and Preserve</u>	<u>Kenai National Wildlife Refuge</u>	<u>Wrangell - St Elias National Park and Preserve</u>
<u>Bering Land Bridge National Preserve</u>	<u>Kobuk Valley National Park</u>	<u>Yukon-Charley Rivers National Preserve</u>
<u>Cape Krusenstern National Monument</u>	<u>Lake Clark National Park and Preserve</u>	<u>Yukon Delta National Wildlife Refuge</u>
<u>Denali National Park and Preserve</u>	<u>Misty Fjords National Monument</u>	<u>Yukon Flats National Wildlife Refuge</u>
<u>Gates Of The Arctic National Park and Preserve</u>	<u>Noatak National Preserve</u>	
<u>Glacier Bay National Park and Preserve</u>	<u>Steese National Conservation Area</u>	

NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION

To Exceed or Not to Exceed?

1. Did President Carter's use of the Antiquities Act in Alaska exceed Constitutional powers of the Executive branch?
2. Were there checks or balances applied to his actions by the [Legislative](#) or [Judicial](#) branches, or state governments?
3. How has the Antiquities Act strengthened or weakened democracy? How has it served to stimulate civic engagement?

Clockwise from top: Supreme Court Building (National Archives Identifier: [594954](#)) The United States Capitol, 1/15/1977 (National Archives Identifier: [6384310](#)) The White House, 1/15/1977 (National Archives Identifier: [6384319](#))





Further Inquiry

Research

[The Record of Jimmy Carter \(National Archives Identifier: 143373\)](#)

[Alaska Land Case, 11/78-12/78 \(Carter Library\)](#)

[Alaska Digitization Project \(National Archives\)](#)

[National Monuments and the Antiquities Act \(Congressional Research Service\)](#)

[The Antiquities Act: History, Current Litigation, and Considerations for the 116th Congress \(Congressional Research Service\)](#)

[NPS History: The Antiquities Act of 1906 \(National Park Service\)](#)

[The Monumental History of the Antiquities Act \(National Park Service\)](#)

Teacher Resources

[AP United States History Document-Based Question Exercise: The Antiquities Act](#)

[Document Analysis Worksheets](#)



(Carter Library)

**“It is good to realize
that if love and peace
can prevail on earth,
and if we can teach
our children to honor
nature’s gifts, the
joys and beauties of
the outdoors will
be here forever.”**

—JIMMY CARTER—